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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 GLOBAL FINANCIAL AND
12 LEASING SERVICES, LLC,
13 Plaintiff,

14 v.

15 RMP SAFETY SERVICES INC, *et al.*,
16 Defendants.
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Case No. 8:23-cv-02364-FLA (KESx)

**ORDER TO SHOW CAUSE WHY
THE COURT SHOULD NOT
DISMISS CROSSCLAIMS AGAINST
NONPARTY DEFENDANT ALPHA
WATERS TECHNOLOGIES, LLC
(DELAWARE) FOR LACK OF
PROSECUTION**

1 On December 14, 2023, Plaintiff Global Financial and Leasing Services, LLC
2 (“Plaintiff”) filed the instant Complaint against Defendants Alpha Water Technologies
3 LLC (“Alpha”), RMP Safety Services Inc. d/b/a American Safety Group (“RMP”),
4 Alfredo Valdez (“Valdez”), Michael Smith, and Michael Watters (collectively,
5 “Defendants”). Dkt. 1 (“Compl.”).

6 Plaintiff alleges Alpha is a California limited liability company (“LLC”) that
7 maintains its principal place of business in Los Alamitos, California. *Id.* ¶ 4. When
8 registering with the California Secretary of State, Alpha listed its principal address as
9 “10581 Bloomfield St., Los Alamitos, CA 91737.”

10 See <https://bizfileonline.sos.ca.gov/search/business>. On February 7, 2024, Plaintiff
11 served Alpha at this address. Dkt. 39.


12 On March 12, 2024, Defendants RMP and Valdez filed an Answer to
13 Complaint and Crossclaims (“Crossclaims”). Dkt. 41. They name “ALPHA WATER
14 TECHNOLOGIES LLC” as a cross-defendant (“Alpha (Placentia, CA)”) and allege it
15 is a Delaware LLC doing business in California. *Id.* at 19 ¶ 5 (capitalization in
16 original). RMP and Valdez also attached a proposed summons, which listed Alpha
17 (Placentia, CA) as located at “115 Majorca Place, Placentia, CA 92870.” Dkt. 41-1
18 (capitalization in original). However, this entity described by RMP and Valdez does
19 not appear on the California Secretary of State’s website. See
20 <https://bizfileonline.sos.ca.gov/search/business>. RMP and Valdez never filed proof of
21 service for Alpha (Los Alamitos, CA) and did not file as part of their Answer a third-
22 party complaint against nonparty Alpha (Placentia, CA). See Fed. R. Civ. P. 14(a)(1)
23 (“A defending party may, as third-party plaintiff, serve a summons and complaint on a
24 nonparty who is or may be liable to it for all or part of the claim against it.”).

25 Accordingly, the court ORDERS RMP and Valdez to Show Cause (“OSC”) in
26 writing within fourteen (14) days of this order why the court should not dismiss their
27 crossclaims as to nonparty Alpha (Placentia, CA) for lack of prosecution. See Fed. R.
28 Civ. P. 4(m) (a complaint must be served within 90 days), 13 (allowing a pleading to

1 include a compulsory or permissive counterclaim “against an opposing party” or a
2 crossclaim “against a coparty”), 41(b) (the court may dismiss an action or claim for
3 failure to prosecute). Failure to respond timely may result in the dismissal of
4 crossclaims against Alpha (Placentia, CA) without further notice.

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6 IT IS SO ORDERED.

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8 Dated: August 12, 2024


FERNANDO L. AENLLE-ROCHA
United States District Judge